

Monte J. White & Associates, PC  
Monte J. White  
1106 Brook Ave, Hamilton Place  
Wichita Falls, TX 76301  
(940)723-0099  
(940)723-0096 FAX

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:	§ CASE NO. 11-70256-HDH-13
	§
Lonnie Eugene Hair	§
and	§ JUDGE HARLIN D. HALE
Mary Elizabeth Hair	§
	§ HEARING DATE: 8/21/2013
DEBTORS	§ HEARING TIME: 10:00 A.M.

NOTICE OF HEARING, PRE-HEARING CONFERENCE  
AND ATTACHED MODIFICATION OF PLAN AFTER CONFIRMATION

NOTICE OF HEARING

On 8/21/2013, which is at least twenty-eight (28) days from the date of service hereof, at 10:00 o'clock A.M. a HEARING on the above and foregoing "Modification of Plan After Confirmation" will be held before the Bankruptcy Judge in Room 208, U.S. Courthouse, 10TH AND LAMAR Street, WICHITA FALLS, Texas. Creditors are not required to attend unless they have objections to the Modification.

NOTICE OF PRE-HEARING CONFERENCE

A PRE-HEARING CONFERENCE will be held by the Trustee at 8:30 o'clock A.M. prior to the above hearing time at the following location 10TH AND LAMAR STREET, WICHITA FALLS, TEXAS. Hearings on Motions to Modify Plans with objections not resolved at the PRE-HEARING CONFERENCE will be heard by the Court at the scheduled Hearing time.

NOTICE is hereby given that pursuant to 11 USC 1329 the attached "Modification of Plan" dated 07/19/2013, will be approved by the Court as the Debtor(s) Modified Chapter 13 Plan Unless a party in interest files a written "Objection to the Modification" within twenty-one (21) days of service hereof, and the Debtor has made any subsequent payments required under the Modified Plan. An "Objection to Modification" shall be made in writing to the following: U.S. Bankruptcy Court, Clerks Office, 1100 Commerce Street Room 12A24, Dallas, TX 75242, with copies sent to Walter O'Cheskey, Chapter 13 Trustee, 6308 Iola, Lubbock, TX, 79424 and Debtor(s) Attorney at the above address.

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

Lonnie Eugene Hair  
and  
Mary Elizabeth Hair  
DEBTOR(s)

§ CASE NO. 11-70256-HDH-13  
§  
§ HEARING DATE: 8/21/2013  
§ HEARING TIME: 10:00 A.M.

FIRST MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: 07/19/2013

Pursuant to 11 USC 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

I. HISTORY OF THE CASE

1. Date Case Filed: 7/1/2011
2. Date of Section 341 Meeting: 8/4/2011
3. First Payment Date: 7/31/2011
4. Date of Confirmation: 8/29/2011
5. Total Plan Term Prior to this Modification: 60
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 25
7. Remaining Plan Term (subtract item 6 from the lesser of item 5 or 60 months): 35
8. Amount of Arrears through the month prior to the date the Modification is filed: NONE
9. Date plan payments are to resume: 8/31/2013
10. Total Payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$12,168.00
11. Total payments due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$12,168.00
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: \$507.00
13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:

TRCC 3/13/2012

## II. MODIFICATION REQUESTED

(CHECK 1 OR MORE OF THE FOLLOWING 4 CHOICES)

  x   INCREASE monthly payment from \$507.00 per month to \$646.00 per month (must coincide with resume date shown in item 9 above)

Any arrears indicated in item 8 above shall be cured by the following method: N/A

## III. RESUMPTION OF PAYMENTS TO THE TRUSTEE

(All information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$646.00 will resume on or before 8/31/2013 for 35 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount will change from \$30,420.00 to \$35,285.00

If the base amount has changed complete the following:

- |  |                    |
|--|--------------------|
| 1. Total Paid in as of the month prior to Modification Approval:   | \$12,675.00        |
| 2. (+)Plus Total Payments to be made through the Remainder of Plan:<br>(Making up any arrears in item 9 above) | \$22,610.00        |
| 3. (=) New Base Amount   | <u>\$35,285.00</u> |

## IV. TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2007-2. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

  X   The unsecured creditor pool remains \$0.

## V. SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

C/D;A=ADD;D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT = CHANGE TO

A	P-IRS Special Procedures	2011 & 2012 post-petition tax liability	\$2,366.19 & \$2,028.05 \$4,394.24	=	\$125.55 per month
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Note: Changes to any creditors above shall not be effective until the Modification is approved.

#### VI. ATTORNEY FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00 plus \$50.00 in costs, of which \$400.00 will be paid through the Plan by the Trustee;

#### VII. REASON FOR MODIFICATION

This modification is requested for the following reason(s): Debtors wish to provide payment for 2011 and 2012 income tax liability through the Chapter 13 plan.

#### VIII. BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

N/A

Respectfully submitted,

/s/Monte J. White  
Attorney for Debtor(s)

#### CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan after Confirmation, Notice of Hearing and Pre-Hearing Conference has been served by me on 07/19/2013, on all parties on the attached matrix, by United States First Class Mail, proper postage affixed.

/s/Monte J. White  
Attorney for Debtor(s)

Label Matrix for local noticing  
0539-7  
Case 11-70256-hdh13  
Northern District of Texas  
Wichita Falls  
Fri Jul 19 11:00:05 CDT 2013

1100 Commerce Street  
Room 1254  
Dallas, TX 75242-1305

CANDICA, LLC  
C O WEINSTEIN AND RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132

(p)CAPITAL ONE  
PO BOX 30285  
SALT LAKE CITY UT 84130-0285

Capital One,N.A  
CO Creditors Bankruptcy Service  
P O Box 740933  
Dallas,Tx 75374-0933

City of WF, WFISD, Wichita Co  
CO Harold Lerew  
P.O. Box 8188  
Wichita Falls, Texas 76307-8188

Clay County Appraisal District  
P O Box 108  
Henrietta TX 76365-0108

Dan G. Young  
McCleskey, Harriger, Brazill & Graf, LLP  
PO Box 6170  
Lubbock, TX 79493-6170

Executive Services-Pathology  
1200 Austin St  
Wichita Falls, TX 76301-4623

Executive Services-Titanium Emerg  
1200 Austin St  
Wichita Falls, TX 76301-4623

First National Bank of Byers  
Cattlemans Branch  
PO Box 4376  
Wichita Falls, TX 76308-0376

Global Acceptance Credit Co, LP  
CO Dan G. Young  
PO Box 6170  
Lubbock, TX 79493-6170

Global Acceptance Credit Company, LP  
P.O. Box 172800  
Arlington, TX 76003-2800

Hsbc Bank-Orchard Bank  
ATTN: BANKRUPTCY  
PO Box 5895  
Carol Stream, IL 60197-5895

I C System Inc-Thomas Taylor  
Po Box 64378  
Saint Paul, MN 55164-0378

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Internal Revenue Service  
Special Procedures-Insolvency  
PO Box 7346  
Philadelphia, PA 19101-7346

JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
ST CLOUD MN 56302-7999

Kell West Regional Hospital  
5420 Kell West Blvd  
Wichita Falls, TX 76310

Kohls-capone  
N56 W 17000 Ridgewood Dr  
Menomonee Falls, WI 53051-7096

McCleskey, Harriger, Brazill & Graf  
Dan G. Young  
PO Box 6170  
Lubbock, TX 79493-6170

Monte J. White & Associates  
1106 Brook Ave  
Wichita Falls TX 76301-5009

RJKJB, LLC  
PO Box 9287  
Wichita Falls, TX 76308-9287

Recovery Management Systems Corporation  
25 SE 2nd Ave. Ste. 1120  
Miami, FL 33131-1605

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

WICHITA FALLS CITY, ISD & WICHITA CO  
CO PERDUE BRANDON FIELDER COLLINS & MOT  
PO BOX 8188  
WICHITA FALLS TX 76307-8188

Lonnie Eugene Hair  
3909 Cynthia  
Wichita Falls, TX 76302-2101

Mary Elizabeth Hair  
3909 Cynthia  
Wichita Falls, TX 76302-2101

Monte J. White  
Monte J. White & Associates, P.C.  
1106 Brook Avenue  
Hamilton Place  
Wichita Falls, TX 76301-5009

UST U.S. Trustee  
1100 Commerce Street  
Dallas, TX 75242-1011

Walter 12,13 Cheskey  
6308 Iola Avenue  
Lubbock, TX 79424-2735

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Capital One, N.a.	IRS Special Procedures
Bankruptcy Dept	1100 Commerce St., Room 951
PO Box 5155	Mail Stop 5029 DAL
Norcross, GA 30091	Dallas, TX 75246

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Jefferson Capital Systems LLC	End of Label Matrix	
PO BOX 7999	Mailable recipients	30
ST CLOUD, MN 56302-7999	Bypassed recipients	1
	Total	31